

**Detailed Action**

***Response to Amendment***

Claims 1-2 and 4-10 are pending. This action is in response to the amendment received November 6, 2007.

***Response to Arguments***

Applicant's arguments with respect to claims 1-2 and 4-10 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2 and 4-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barritz et al. (US 6,029,145) in view of Reeder (US 5,852,812).

Re claim 1, Barritz teaches an accounting method for imposing, by a server, a charge for using an application program installed on a client (col. 3, lines 14-29), the method comprising:

setting a particular function of the application program installed on the client as a key function (col. 9, lines 9-29; col. 10, lines 6-17; fig. 7: element 571 discloses what function, He discloses particular product as the identifier which corresponds to the key function);

detecting performance of the key function of the application program as performance of the particular function (col. 4, lines 35-63; col. 3, lines 30-60);

specifying a type of the application program performing the particular function set as the key function (col. 2, lines 20-26; He discloses *vendors to have access to ongoing information as to "how", where, to what extent, and by whom their software is being used*);

a user for using the key function of the application program (col. 7, lines 1-10); and

imposing charges on the registered user according to a frequency of detecting performance of the key function of the application program and the type of the application program (col. 13, line 63 to col. 14, line 35; col. 14, lines 52-61). Barritz discloses the necessity for vendors to have access to ongoing information as to *how, where, to what extent, and by whom their software is being used*. He provides "authorization codes" to users that tell the licensed software product, during its operation, the applicable limits. His system prepares and transmits to the discrete computer site software usage billings by having the central computer calculates the amount of royalties owed for the use of software products at the discrete computer sites. Thus, software facility controls disbursements to the vendors of monies received on account of the discrete computer sites.

However, Barritz does not explicitly teach only when the set key function of the application program is performed. On the other hand, Reeder discloses only when the set key function of the application program is performed when he discloses the object sets

retrieving for charges (col. 14, lines 17-64; figs. 8-10). For example, Reeder discloses an event object that is created when a customer closes a connection to the distributed network (i.e., signs off) can be generated at a gateway computer and then copied to a billing computer for tracking the customer's on-line usage. Thus, it would have been obvious to one of ordinary skill in the art to imposing charges on the registered user only when the set key function of the application program is performed to create and generate billing information when tracking users' usage.

Re claim 2, Barritz teaches predetermined function set as the key function is to output data from the client to an external device (fig. 1).

Re claim 4, Barritz teaches wherein the registering the user for the application program is performed upon detecting the performance of the key function by the user for a first time (col. 2, lines 28-36). Barritz discloses registered user.

Re claim 5, Barritz teaches wherein the setting the particular function of the application program comprises setting an imposed charges key function, the method further comprising informing the registered user of amount of charges imposed at a time of detecting performance of the imposed charges key function by the register user (fig. 7).

In figure 7, Barritz discloses billing collection by collecting usage amounts.

Re claim 7, Barritz teaches deducting automatically the charges imposed from an account being under the user's name (col. 3, lines 10-12).

Re claims 6 and 8-10, Barritz teaches the limitations as claimed in claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer in can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Thu Thao Havan/  
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